

REMARKS

I. Office Action Summary

In the Office Action mailed September 22, 2005, claims 1-30 were rejected under 35 U.S.C. § 102(e) as being anticipated by Mullen, U.S. Patent Application Publication No. 2004/0203923.

As set forth, Applicants received the Form PTO-1449 filed by Applicants on March 11, 2004, attached to the present Office Action. Applicants note that references #2-#6 were initialed by the Examiner, however, reference #1 was not initialed. Applicants respectfully request the Examiner to review reference #1 and initial the Form PTO-1449.

After a careful review of the cited reference, Applicants request reconsideration in view of the following remarks.

II. Response to Claim Rejections

Claims 1-30 were rejected under 35 U.S.C. § 102(e) as being anticipated by Mullen. To anticipate a claim, each and every element set forth in the claim must be found in a single reference. (MPEP § 2131). Applicants submit that Mullen does not teach a method including "in a client station, detecting a request to initiate a voice call," and "responsive to the request, sending from the client station into a network a message indicating how to carry out a location-based service," as in claim 1 and similarly in claims 22, 26 and 29. (See claim 22: "responsive to the request and before initiating the voice call to the given directory number, sending to the particular destination party a message indicating a location granularity preference of the user.")

Mullen teaches a method for allowing a user of a cell phone to locate the position of a different user's cellular phone based upon requestor-assigned access rights. (¶0004). A user can

limit and/or deny location access to a particular user so that only users that have been granted access to the location of a user's cell phone can actually locate that user's cell phone. (§0005).

Mullen teaches that when a user requests the location of another user's cell phone, it is determined if the user initiating the location request has rights to access the location of the desired user. (§0040). If no access rights have been granted, then the requesting user will be informed that he/she has not been given access to the requested location. (§0040). If access has been given by a particular user that allows for the requesting user to locate that particular user, then the allowed location information is provided to the requesting user. (§0041).

Mullen explains that a location can be requested in a number of instances and by a variety of different means. (§0083). One instance includes a user of a cell phone requesting a location of a friend's cell phone. Mullen teaches that a cell phone may include a locate button and may be configured such that if the button is pressed, a locate feature is initiated. (§0047). Another instance that Mullen describes is to have a system request a location of a mobile device when an event occurs, such as use of a credit card associated with the requested user (e.g., a credit card authorization system would request the location of a user's cell phone and the location of a store that just swiped a credit card associated with the requested user as a security check). (§0084).

However, Mullen does not teach "in a client station, detecting a request to initiate a voice call," and "responsive to the request, sending from the client station into a network a message indicating how to carry out a location-based service," as in claim 1 and similarly in claims 22, 26 and 29. Mullen does not mention detecting a request to initiate a voice call whatsoever, and thus, certainly, Mullen does not teach "responsive to the request, sending from the client station into a network a message indicating how to carry out a location-based service."

Furthermore, Mullen does not mention sending any kind of message from the client station into the network "indicating how to carry out a location-based service." In contrast, Mullen teaches that a remote database may keep a record of people allowed to access a user's location, the extent to which access is allowed, and the extent to which a user has requested a user's location. (§0042). In this manner, Mullen teaches that a requesting user then only has to contact the remote database, have his/her identity recognized, have his/her access rights for the requested user location determined, and, if the requesting user has the correct access rights, be provided with the requested user's location. (§0042). Alternatively, Mullen teaches that to increase security even more, a requesting user's cell phone may directly request a user's location from the requested user's cell phone without the need for a database. In such an example a user adds, manipulates, or removes access rights locally on his/her cell phone and does not have to worry about security issues that surround placing his location on a remote database. (§0043).

Thus, Mullen teaches that access rights are either stored at a remote database or on the cell phone itself, and upon receiving a request to determine the location of a cell phone, the access rights are accessed at the database or at the cell phone. Naturally, then Mullen does not teach "sending from the client station into a network a message indicating how to carry out a location-based service," as in claim 1 and similarly in claims 22, 26 and 29. No message is sent by the cell phone using the method described in Mullen since access rights are stored at the entity that determines the location (e.g., the database or on the phone). Furthermore, Mullen then certainly does not teach "sending a short message service (SMS) message into the network," as in claim 18, "sending an HTTP message into the network," as in claim 19, or "sending an SIP message into the network," as in claim 20 to indicate how to carry out a location-based service.

The Examiner asserted that Mullen teaches "detecting a request to initiate a voice call (para. #0005, 0015); and responsive to the request, sending ... a message indicating how to carry out a location-based service (para. #0005, 0015, 0040-0043, 0086-0089)." (Office Action, p. 2). With respect to claims 18, 19 and 20, the Examiner asserted that Mullen teaches the recited limitations and cited to paragraphs 0005, 0015, 0040-0045, 0048-0056, 0086-0089 and 0062 as teaching the limitations for each of the claims. Applicants respectfully disagree.

Neither paragraph 0005 nor 0015 mentions "detecting a request to initiate a voice call," as in claim 1, or "responsive to the request and before initiating the voice call to the given directory number, sending to the particular destination party a message indicating a location granularity preference of the user," as in claim 22. In addition, none of paragraphs 0005, 0015, 0040-0043, or 0086-0089 discuss responsive to the request, sending ... a message indicating how to carry out a location-based service, as in the present claims. More particularly, Mullen never mentions SMS, HTTP or SIP messages at all, as recited in claims 18-20, respectively.

Since Mullen does not teach each and every element set forth in any of independent claims 1, 22, 26 or 29, Mullen does not anticipate claims 1-30.

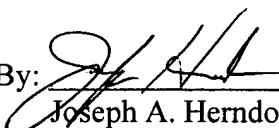
CONCLUSION

Applicants respectively submit that, in view of the remarks above, all of the pending claims are in condition for allowance. Applicants therefore respectfully request such action. The Examiner is invited to call the undersigned at (312) 913-3331 with any questions or comments.

Respectfully submitted,

McDonnell Boehnen Hulbert & Berghoff LLP

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